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APPLICATION NO.	FILED DATE	INVENTOR(S) NAME(S)	ATTORNEY FIRM NAME	EXAMINATION NO.
09/851,762	09/18/03	Sung Young Lee	AMERSON PLLC	9024

By _____, Attorney-in-Fact

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EXAMINER

DOVE, TRACY MAE

APPROPRIATE

FILED

DATE MAILED 09/20/2003

Please find below and or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,762

Examiner

Tracy Dove

Applicant(s)

LEE ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Failure to comply with the requirements of 37 C.F.R. 1.101(a) and 1.102(a) will result in the application being deemed abandoned. The applicant is advised that the period for reply is shortened under 37 C.F.R. 1.101(a) and 1.102(a) because the application is in condition for allowance except for formal matters. Prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. Failure to comply with the requirements of 37 C.F.R. 1.101(a) and 1.102(a) will result in the application being deemed abandoned.

Status

- 1) ☐ Responsive to communication(s) filed on 28 June 2001
- 2a) ☐ This action is **FINAL** 2b) ☐ This action is non-final
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed
- 6) ☐ Claim(s) _____ is/are rejected
- 7) ☐ Claim(s) _____ is/are objected to
- 8) ☐ Claim(s) 1-19 are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of
- 1 ☐ Certified copies of the priority documents have been received
- 2 ☐ Certified copies of the priority documents have been received in Application No. _____
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) to a provisional application:
- a) ☐ The translation of the foreign language provisional application has been received
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Attachment(s)

- 1) ☐ New claim(s) have been added
- 2) ☐ New claim(s) have been added and amended
- 3) ☐ New claim(s) have been added and amended and the application is in condition for allowance except for formal matters
- 4) ☐ New claim(s) have been added and amended and the application is in condition for allowance except for formal matters and the application is in condition for allowance except for formal matters
- 5) ☐ New claim(s) have been added and amended and the application is in condition for allowance except for formal matters and the application is in condition for allowance except for formal matters

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-18, drawn to a microporous film or a method of manufacturing a microporous film.

Group II, claim(s) 19, drawn to a lithium ion battery.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

All of the groups contain the limitation of a microporous film, but each group has a special technical feature not shared by the remaining groups. Group II is directed toward a lithium ion secondary battery separator which has the special technical feature of a having an anode, a cathode and an electrolyte not shared by any of the remaining groups. Group I is directed toward a microporous film which does not require use in a lithium ion battery. The microporous film may be used for a capacitor or batteries other than lithium ion batteries.

A telephone call was made to Ronald Hildreth on 4/23/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Dove whose telephone number is 703-308-8821. The examiner can normally be reached on Monday-Thursday (9:00-7:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 703-308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

tmd
May 5, 2003



Tracy Dove
Examiner